

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ARISTA MUSIC, et al.,

Plaintiffs,

v.

TIME WARNER, INC., et al.,

Defendants.

No. 3:09-0827

JUDGE CAMPBELL

**DECLARATION OF HARLEY NEUMAN IN SUPPORT OF
DEFENDANT CRAZY MONKEY, INC.'S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION (Fed. R. Civ. P.
12(b)(2))**

I, Harley Neuman, hereby declare:

1. I am over the age of eighteen and a resident of Los Angeles County, California. I have personal knowledge of the following facts and if called as a witness, could and would testify competently to them.

2. I am a Certified Public Accountant and the President of Neuman & Associates, an accounting firm licensed by the California State Board of Accountancy. I am Ellen DeGeneres' business manager, and as such, I maintain the books and records for Crazy Monkey, Inc. ("Crazy Monkey"). All of Ms. DeGeneres' business activities are conducted through Crazy Monkey, a California corporation.

3. Ms. DeGeneres is Crazy Monkey's President, sole stockholder and sole employee. Crazy Monkey has its office in Burbank, California. Crazy Monkey maintains no office and has no employees in Tennessee. Crazy Monkey has never been licensed to do business in Tennessee. Nor does Crazy Monkey distribute, sell, or manufacture any products in Tennessee.

4. Crazy Monkey loans out Ms. DeGeneres' artistic services to Telepictures Productions Inc. ("Telepictures"), the producer of the Ellen DeGeneres Show (the "Show"). Pursuant to an April 1, 2002 written agreement ("Production Agreement") with Telepictures, Crazy Monkey provides Telepictures with Ms. DeGeneres' artistic services, such as rehearsals, publicity-related and promotional activities, and the filming or taping of the Show.

5. In addition to providing Ms. DeGeneres' services to Telepictures, Crazy Monkey has also provided Ms. DeGeneres' artistic services to others for certain television appearances, including as a host for awards shows and comedy specials, which generally have been filmed or

taped in Los Angeles, Las Vegas or Chicago, but never in Tennessee. Crazy Monkey has also provided Ms. DeGeneres' services in connection with an American Express card commercial, and, several years ago, the publication of two books. Neither the commercial nor the books has any particular nexus to Tennessee.

6. The pre-production work on the Show takes place at the Show's offices in Burbank, California and the Show is generally taped before a live audience in Burbank, California, formerly at the NBC lot and since 2008 at the Warner Bros. lot. While the Show sometimes is taped "on location," Ms. DeGeneres has never visited Tennessee in connection with production of the Show.

7. Crazy Monkey does not distribute the Show and has no authority or control over the Show's distribution. Crazy Monkey has no contractual relationship with Warner Brothers Domestic Television Distribution ("WBDTD"), the distributor of the Show.

Executed this 18 day of November 2009 at Los Angeles, California.

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and correct.



Harley Neuman

CERTIFICATE OF SERVICE

I certify that I served a copy of this document via ECF on November 25, 2009, on:

Timothy L. Warnock, Esq.
Tim Harvey, Esq.
Riley Warnock & Jacobson, PLC
1906 West End Avenue
Nashville, Tennessee 37203
Counsel for Plaintiffs

/s/ Stephen J. Zralek